



16558 U.S. PTO

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## FISH &amp; RICHARDSON P.C.

January 28, 2004

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10/767067

Attorney Docket No.: MP0396

**Mail Stop Patent Application**

Commissioner for Patents

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Presented for filing is a new patent application claiming priority from a provisional patent application of:

FR

BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Pages

Application Cover Sheet	1
Specification	19
Claims	24
Abstract	1
Declaration	3
Drawing(s)	6

## Enclosures:

- Assignment cover sheet and an assignment, 2 pages, and a separate \$40 fee with Submission of Credit Card Payment..
- Assignment cover sheet and an assignment, 3 pages, and a separate \$40 fee with Submission of Credit Card Payment.
- New disclosure information, including:  
Information Disclosure Statement, 1 page.  
PTO-1449, 1 page.
- References, 12 items enclosed (13 items listed).
- Request for Non-Publication.
- Postcards (6).

## CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 399 312 234 USJanuary 28, 2004

Date of Deposit

FISH & RICHARDSON P.C.

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January 28, 2004  
Page 2

Under 35 USC §119(e)(1), this application claims the benefit of prior U.S. provisional application 60/494,204, filed August 11, 2003.

Total Claims 94; Independent Claims 8.

Basic filing fee	\$770
Total claims in excess of 20 times \$18	\$1332
Independent claims in excess of 3 times \$86	\$430
Fee for multiple dependent claims	\$0
Total filing fee:	\$2532

A Submission of Credit Card Payment for the filing fee is enclosed. Please apply any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 678-5070.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please direct all correspondence to the following:

23624

PTO Customer Number

Respectfully submitted,

  
Scott C. Harris  
Reg. No. 32,030  
Enclosures  
SCH/KSJ/smr

/BY  
KENYON S. JENCKES  
REG. NO. 41,873

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

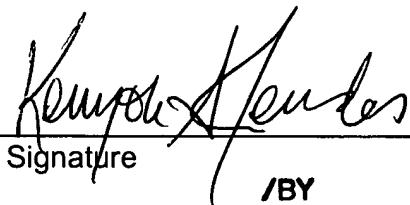
First Named Inventor	Sampath et al.
Title	Scalable Space-Frequency Coding for MIMO Systems
Atty Docket Number	MP0396

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

January 28, 2004

Date

Signature



/BY  
**KENYON S. JENCKES**  
REG. NO. 41,873

Scott C. Harris, Reg. No. 32,030

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**